

**MINUTES — AUGUST 11, 2020
CITY OF INDIAN ROCKS BEACH
REGULAR (VIRTUAL) CITY COMMISSION MEETING**

The City of Indian Rocks Beach Virtual Regular City Commission Meeting was held on **TUESDAY, AUGUST 11, 2020.**

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m.

Mayor-Commissioner Kennedy welcomed everyone to the August 11, 2020 virtual Indian Rocks Beach City Commission Meeting convening pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, and extended by Executive Orders 20-112, 20-114, 20-150, and 20-179, allowing local government bodies to conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Philip J. Hanna, Commissioner Diane Flagg, Commissioner Edward G. Hoofnagle, Commissioner Joe McCall.

OTHERS PRESENT: City Manager Brently Gregg Mims, City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Planning Consultant Hetty C. Harmon, AICP, and Technology Moderator Matt Sabella.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

1A. Pinellas County Sheriff's Office. (Written report submitted and made part of the Agenda Packet.)

The Pinellas County Sheriff's Office (PCSO) submitted a written Crime Analysis Report for the month of July 2020 for the City of Indian Rocks Beach.

1B. Pinellas Suncoast Fire & Rescue District: (Written report below):

**Monthly Report from the Pinellas Suncoast Fire & Rescue District
David Ardman, Commissioner – Seat 2 Indian Rocks Beach
For City Commission Meeting July 14, 2020**

- Staffing levels are stabilizing towards normal. Three members remain out for COVID-related reasons but are expected back soon.

- The District is monitoring COVID news daily through contact with County EMS leadership and the District medical director. Heightened awareness measures are still in place with daily wellness checks and no public visitors. Most administrative staff are still working remotely.
- The fireboat lift project at the Keegan Clair docks in IRB has been completed. Many thanks to City Manager Mims and Public Services Director Scharmen for their support. Pioneer Mortgage, a local business, has provided the funding for logo/graphics for the new fireboat.
- The District Finance Director continues work to recover extraordinary costs related to COVID.
- Labor organization “reopener” negotiations are continuing per the current Collective Bargaining Agreement.
- The District Commission will continue to meet using Zoom until further notice.
- The final draft of a fire station location study has been completed as a joint project between Pinellas County and PSFRD. When the report is published, the District will present the findings to all constituent cities and towns as part of a longer-term master planning project.
- July was a busy EMS month in IRB with 58 calls for service. All emergency responses were within the target of 7 minutes 30 seconds. Average response time was 4 minutes 14 seconds.
- July was a slower than average month for fire responses within IRB with a total of 12. All were within the 7 minutes 30 seconds with an average of 3 minutes 45 seconds.

2. PUBLIC COMMENTS.

John Thayer, 1819 Bay Boulevard, recommended the City Commission pass an ordinance regulating e-scooters, and stated that they should not be allowed in the City before the Florida Legislature takes that right away from the cities.

Mr. Thayer stated he has seen a lot of electric bikes on the beach going at a high rate of speed in the evening hours, and stated something should be done before someone gets seriously hurt.

Mr. Thayer stated according to City Code Section 74-61, the City does not prohibit motorized vehicles on the beach and the beach signs read “official vehicles on beach only.”

Mr. Thayer stated motorized vehicles should be defined and banned from the beach because it is only going to get worse.

3A. REPORTS OF the City Attorney. No Report.

3B. REPORTS OF the City Manager.

City Manager Mims provided an update of the following projects:

- Submitted the 3rd Quarter Financial Reports.
- Installation of solar panels on City Hall and Museum will begin the week of August 17, 2020.
- The Gulf Boulevard Underground of Utilities Project, Phase I, is on schedule, and is to be completed in October 2020.
- Maxwell Place Drainage Project is complete.
- Pinellas County is completing the installation of a new lift station at Keegan Clair Park. The street and parking lot have been repaved. The park will be reopened to the public in September.
- Completed the latest renovations to the Museum. This project included new front windows, replacing rotten wood and painting.
- A new Bocce Ball Court was installed at the site of the old Bocce Ball Court at Chic-A-Si Park. The new court has artificial turf.

3C. REPORTS OF the City Commission.

COMMISSIONER HOOFNAGLE:

- Thanked Technology Moderator Matt Sabella and City Manager Mims for arranging this evening's Zoom Meeting.

COMMISSIONER FLAGG:

- Stated she thought the Forward Pinellas Gulf Boulevard Visioning Study Plan Work Session was very productive.

MAYOR-COMMISSIONER KENNEDY:

- Announced the calendar for the month of August.
- Reviewed the Indian Rocks Beach Census Report Card for July 2020. The City's response rate for 2020 is 43.6% and in 2010, it was 53.5%. She stated the City should focus citywide to increase census participation from 2010 numbers.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL of the July 14, 2020 Regular City Commission Meeting minutes.**
- B. APPROVAL of the July 21, 2020 City Commission Budget Work Session minutes.**
- C. APPROVAL of the July 21, 2020 Special City Commission Meeting minutes.**
- D. CONFIRMING ACTION taken during the July 21, 2020 Special City Commission Meeting.**

- E. **AUTHORIZING the City Manager to enter into a one year renewal agreement with Public Risk Management for Group Health Insurance Coverage for FY2020-21.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A through 5E, by title only.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS 5A THROUGH 5E. UNANIMOUS APPROVAL BY ACCLAMATION.

6. PUBLIC HEARINGS:

A. ORDINANCE NO. 2020-01 — FIRST PUBLIC HEARING.

An ordinance of the City of Indian Rocks Beach, Florida, amending the City of Indian Rocks Beach Comprehensive Plan pursuant to the evaluation and appraisal process of Section 163.3191, Florida Statutes, and the amendment process of Section 163.3184, Florida Statutes, by amending the future land use, transportation, and coastal management and conservation elements to reflect changes in Florida Statutes, Chapter 163 since 2013, updating the future land use element to maintain consistency with the countywide plan for Pinellas County, as hereinafter provided; establishing the legal status of the comprehensive plan; providing for repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date.

[Beginning of Staffing Report]

BACKGROUND:

The state of Florida requires local governments to regularly review their comprehensive plans pursuant to Section 163.3191 and update them to reflect changes in local conditions. If the comprehensive plan is not updated, the local government will be prohibited from amending its comprehensive plan, primarily as it relates to any land use changes.

The last update of the City of Indian Rocks Beach was completed in 2013.

The following describes the changes proposed to the comprehensive plan.

1. COASTAL MANAGEMENT AND CONSERVATION ELEMENT

The change to the Florida Statutes in 2015 requires changes to the Coastal Management Element as it relates to the “Perils of Flood” amendments. In Section 163.3178(2)(f) of the

Florida Statutes, it states that the Coastal Management Element section of a comprehensive plan needs to address the following:

- (f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:
1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
 2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
 3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
 4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
 5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
 6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

2. FUTURE LAND USE ELEMENT

The Future Land Use Element land use categories table was modified to be consistent and reflect the land use categories adopted in the Forward Pinellas Countywide Rules.

3. FUTURE LAND USE ELEMENT - DATA AND ANALYSIS

The Future Land Use Data and Analysis was updated to reflect:

- a. Updated population projections.
- b. Updated Existing Land Use Acreage.
- c. Level of Services for major roads.

4. TRANSPORTATION – DATA AND ANALYSIS

- a. Updated Level of Services.

5. MAPS

- a. Future Land Use Map-updated to reflect the 2035 planning horizon.
- b. Coastal High Hazard Map-new map added to the map series.
- c. Transportation Maps-2018 map shows current level of service and the 2040 map reflects the future level of services.

PLANNING AND ZONING BOARD RECOMMENDATION: Recommended approval of Ordinance No. 2020-01, amending the City of Indian Rocks Beach Comprehensive Plan pursuant to the Evaluation and Appraisal Process of Section 163.3191, Florida Statutes, and the amendment process of Section 163.3184, Florida Statutes, by amending the Future Land Use, Transportation, and Coastal Management and Conservation Elements to reflect changes in Florida Statutes, Chapter 163 since 2013, updating the Future Land Use Element to maintain consistency with the countywide plan for Pinellas County, as hereinafter provided; establishing the legal status of the comprehensive plan; providing for repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; providing for an effective date with the following additional recommendations:

1. That the City's comprehensive plan includes a goal or objective to consider the historical integrity or preservation of buildings inasmuch as that it can be reconciled with all the other flood mitigation requirements set forth.
2. Clarify Policy 2.7.1 to read that the City is working with Pinellas County to avoid removing sand dunes.
3. Have the City Attorney to draft language after the second sentence to clarify the preamble in the Ordinance. Specifically to revise as follows: "These future land use rules categories shall be consistent with the uses listed in the Pinellas Countywide Rules as they exist at the time of this plan's adoption."
4. Clarify why there are white areas in the Coastal High Hazard Area Map.

[End of Staffing Report.]

Planning Consultant Harmon reviewed the Staffing Report.

Planning Consultant Harmon stated the Local Planning Agency approved Ordinance 2020-01 unanimously with the following additional recommendations:

1. That the City's comprehensive plan includes a goal or objective to consider the historical integrity or preservation of buildings inasmuch as that it can be reconciled with all the other flood mitigation requirements set forth.
2. Clarify Policy 2.7.1 to read that the City is working with Pinellas County to avoid the removal of sand dunes.
3. Have the City Attorney to draft language after the second sentence to clarify the preamble in the Ordinance. Specifically to revise as follows: "These future land use

rules categories shall be consistent with the uses listed in the Pinellas Countywide Rules as they exist at the time this plan's adoption.”

4. Clarify why there are white areas in the Coastal High Hazard Area Map.

City Attorney Mora stated the preamble of the ordinance already reads that it will be consistent with Pinellas County. However, a member of the Local Planning Agency wanted to make it exclusively clear that it read “as at this time” to indicate that the City is adopting its ordinance to align with the County’s regulations at this time. That way, if they deviate in the future, this would add clarity as to the reason for any such difference.

City Attorney Mora stated more to the point he wanted to emphasize to the City Commission that this is something that only happens once every seven years and the comprehensive plan, from a legal standpoint, is seen as the City’s constitution for development. The comprehensive plan is the foundation that the City’s land development regulations are later built upon. The comprehensive plan does not have restrictions but rather has the objectives and goals memorializing the City’s policy priorities relative to land use.

Commissioner Hoofnagle thanked the Local Planning Agency for their thorough review of Ordinance No. 2020-01.

Commissioner Hoofnagle clarified that the entire City is within the Coastal High Hazard Area.

Planning Consultant Harmon responded in the affirmative and stated this is based on a Federal Storm Surge Model based on a Cat 1 Hurricane.

OBJECTIVE 2.6

The City shall encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

Policy 2.6.1: The City shall consider one or more of the following strategies in those areas which receive major or moderate flood damage.

- **Relocation;**
- **Reduction of permissible density or intensity of use;**
- **Reconstruction in compliance with current building and construction standards; or**
- **Public acquisition.**

Commissioner Hoofnagle stated basically what Objective 2.6 is saying is that wherever possible if damage occurs, the City wants to remove coastal real property from the flood zone designations, and then it sets out some criteria considering doing that. He has two recommendations that he would like to discuss.

Commissioner Hoofnagle stated he would like to exercise the City's "*home rule*" authority and place language in Objective 2.6 that recognizing the significance of historical preservation in determining whether or not the City return or reduce the density or intensity. The City has "*home rule*" and should exercise the City's authority to communicate that the City likes to encourage preservation especially after storm damage.

Commissioner Hoofnagle stated he thinks this overall objective is questionable given that the entire City is in the Coastal High Hazard Area, and he would prefer if the City Commission amend this objective to reflect that.

Commissioner Hoofnagle stated that the comprehensive plan is the City's plan and that the City is in a unique situation because it is completely within a Coastal High Hazard Area. He explained that the plan must reflect the City's unique situation, and not be a bureaucratic or administrative implementation based on templates from FEMA or the County.

City Attorney Mora stated the language could be enhanced to reflect those notions that structures do not actually need to be removed from the designated district encompassing the entire City. Instead, language could be added to the effect that it "shall encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions" to mitigate the effects of hurricanes and flooding. The proposal was not to take properties and let them be removed from the City's boundaries but rather as those things happen, use the best practices and etc., and that was the explanation staff had given to the Local Planning Agency.

Planning Consultant Harmon stated the City Code provides for a property owner to rebuild their structure as it exists if they apply for a building permit within six months after flood damage occurs. However, they must comply with all FEMA requirements and they also have to have the ability to obtain flood insurance also.

City Manager Mims stated under emergency declarations, the City would have the ability to grant property owners additional time to secure a permit.

Commissioner Hoofnagle proposed modifying Objective 2.6 to explicitly recognize that the City is entirely encompassed within the Coastal High Hazard Area and that it is unrealistic as an objective to remove coastal real property from the flood zone designation. The City Attorney agreed to work on editing the phrase to address the "removal of real property" from the objective's wording.

Planning Consultant Harmon stated the objective is not saying to remove them, but that they could be built to flood standards.

City Attorney Mora stated the point Commissioner Hoofnagle is making is the explicit language does say *“the removal of coastal real property from flood zone designations.”* This language could be modified to emphasize that the City encourages measures to mitigate flood insecurities or weaknesses, or use of less than ideal construction materials.

City Attorney Mora stated as he understands Commissioner Hoofnagle, he is asking to consider reworking that objective to excise the language about the removal, and perhaps to better optimize construction and with some recognition in that language that the entire City is within the contemplated flood district.

Commissioner Hoofnagle stated in addition, he was suggesting the City exercise its *“home rule”* authority by placing recognition of historical significance based on the City Commission’s or its delegate’s determination of historical significance as a strategic consideration in policy 2.6.1.

Commissioner Hoofnagle commented that he read in the Local Planning Agency minutes that only the State’s historical register was recognized for historical significance and expressed frustration with the State’s overreach in such *“home rule”* matters.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED COMMISSIONER MCCALL, TO MODIFY OBJECTIVE 2.6 TO ELIMINATE THE REFERENCE TO THE REMOVAL OF COASTAL PROPERTY FROM THE FLOOD ZONE DESIGNATIONS GIVEN THE ENTIRE CITY IS COMPLETELY ENCOMPASSED IN THE FLOOD ZONE, AND POLICY 2.61. BE AMENDED TO INCLUDE CONSIDERATION OF HISTORICAL SIGNIFICANCE AS DETERMINED BY THE CITY COMMISSION.

Commissioner Hoofnagle thanked Planning Consultant Harmon for all her hard work, and the Planning and Zoning Board for the time they spent on this issue.

Mayor-Commissioner Kennedy stated the City should be exercising its *“home rule”* authority much more, and she appreciates Commissioner Hoofnagle’s insight on Objective 2.6.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

ROLL CALL:

AYES: HANNA, FLAGG, MCCALL, HOOFNAGLE, KENNEDY

NAYS: NONE.

MOTION CARRIED UNANIMOUSLY.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER FLAGG, TO ACCEPT THE ADDITIONAL RECOMMENDATIONS OF THE LOCAL PLANNING AGENCY, WHICH ARE AS FOLLOWS: (1) THAT THE CITY'S COMPREHENSIVE PLAN INCLUDES A GOAL OR OBJECTIVE TO CONSIDER THE HISTORICAL INTEGRITY OR PRESERVATION OF BUILDINGS INASMUCH AS THAT IT CAN BE RECONCILED WITH ALL THE OTHER FLOOD MITIGATION REQUIREMENTS SET FORTH, (2) CLARIFY POLICY 2.7.1 TO READ THAT THE CITY IS WORKING WITH PINELLAS COUNTY TO AVOID THE REMOVAL OF SAND DUNES, (3) HAVE THE CITY ATTORNEY DRAFT LANGUAGE AFTER THE SECOND SENTENCE TO CLARIFY THE PREAMBLE IN THE ORDINANCE, SPECIFICALLY TO REVISE AS FOLLOWS: "THESE FUTURE LAND USE RULES CATEGORIES SHALL BE CONSISTENT WITH THE USES LISTED IN THE PINELLAS COUNTYWIDE RULES AS THEY EXIST AT THE TIME THIS PLAN'S ADOPTION," AND (4) CLARIFY WHY THERE ARE WHITE AREAS IN THE COASTAL HIGH HAZARD AREA MAP.

There were no City Commission comments.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or Hearing no one wishing to speak, the public hearing was closed.

ROLL CALL VOTE:

AYES: MCCALL, HANNA, FLAGG, HOOFNAGLE, KENNEDY.

NAYS: NONE

MOTION CARRIED UNANIMOUS.

MOTION MADE BY COMMISSION HOOFNAGLE, SECONDED BY COMMISSIONER FLAGG, TO APPROVE ORDINANCE NO. 2020-01, ON FIRST READING, AMENDING THE CITY OF INDIAN ROCKS BEACH COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL PROCESS OF SECTION 163.3191, FLORIDA STATUTES, AND THE AMENDMENT PROCESS OF SECTION 163.3184, FLORIDA STATUTES, BY AMENDING THE FUTURE LAND USE, TRANSPORTATION, AND COASTAL MANAGEMENT AND CONSERVATION ELEMENTS TO REFLECT CHANGES IN FLORIDA STATUTES, CHAPTER 163 SINCE 2013, UPDATING THE FUTURE LAND USE ELEMENT TO MAINTAIN CONSISTENCY WITH THE COUNTYWIDE PLAN FOR PINELLAS COUNTY, AS HEREINAFTER PROVIDED; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE , AS AMENDED.

There were no City Commission comments.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

ROLL CALL VOTE:

AYES: MCCALL, HANNA, FLAGG, HOOFNAGLE, KENNEDY.

NAYS: NONE

MOTION CARRIED UNANIMOUS.

7. **OTHER LEGISLATIVE MATTERS:** None.
8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None.
9. **OTHER BUSINESS.**

Commissioner Hoofnagle requested the City Commission workshop motorized vehicles on the beach.

CONSENSUS OF THE CITY COMMISSION TO WORKSHOP MOTORIZED VEHICLES ON THE BEACH.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER FLAGG, TO ADJOURN THE MEETING AT 7:50 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

September 8, 2020
Date Approved

/DOR